

concern about what the private sector really means, and where the line is to be drawn with respect to public and private discrimination.

I believe that with the growth of needs in our present economy, the State, because the state has to, is going to be increasingly touching many areas of local and state government and community life. But I think that wherever the state support, wherever the state court action, wherever the administrative action of the State is used, it cannot be used to deny to any citizen the equal protection of whatever laws there are on the basis of race, religion, or national origin.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: For example, I was thinking in the field of open housing.

Is this amendment of yours intended to limit the legislature so it could not operate in that field? It seems to me to be in the private sector.

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: I do not think it limits. I think it says to the General Assembly that in whatever year the case, whether it is next year or the year after or 50 years from now, because I take it we will always have a democracy and the state government will be the government of the people set up to govern themselves, wherever there is state action, it cannot be unequally applied.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Delegate Mitchell, I just hoped that you would not rely completely on state action because it would seem to me, and I would hope it would seem to you, that the legislature could enact whatever laws it deemed essential in this particular field and whatever time in the future it seemed desirable to do so?

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: I do not think this is limiting. There is concern that this state action concept per se does limit how far the state government shall go, but under the interpretations of the court, and the way the legislative enactments are moving in other states of the nation and in the Congress of the United States, the narrow state action concept is being expanded to meet the needs, so that I do not think and it is not our intention that this language should limit the action of the State to correct injustices which are based on a

denial of equal treatment under the laws because of race, religion or national origin.

THE CHAIRMAN: Delegate Gleason.

DELEGATE GLEASON: Mr. Chairman, I just have one short question. It has been gone over four times, and I am still a little bit confused on Delegate Mitchell's answer. When you say in line 6, "state", you capitalize "State", and realizing in this constitution we deal not only with a state government but with counties, municipalities, possibly sometime in the future regional political organizations, is it your intention that the word "State" includes all of the political subdivisions within the State, including counties, municipalities, and so forth?

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: Yes, that is our intention.

THE CHAIRMAN: Are there any further questions?

Delegate Willoner.

DELEGATE WILLONER: In light of your answer to Mr. Gleason's question, would it not be better then to use the lower case, "s", for State, or was your intent to capitalize it?

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: It was not our intention to capitalize it, or we did not type it up, but the word itself is self-explanatory, I think.

THE CHAIRMAN: Delegate Willoner, the Chair might observe that if we follow the rules, which I think are being followed by the Committee on Style, you would use lower case only if you used it as an adjective.

Delegate Koger.

*(There was no response.)*

THE CHAIRMAN: Delegate Gill.

DELEGATE GILL: Delegate Mitchell, in view of the narrow interpretation that some people have intimated concerning the word "state", I was wondering if you would mind inserting after "state", "or its political subdivisions"?

THE CHAIRMAN: Delegate Mitchell.

DELEGATE MITCHELL: I think the language is unnecessary because of the interpretation by the courts and by the legislature that the word "state", includes the state, its political subdivisions, its agents, servants, employees, and the like.